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Counsel for Plaintiff and the proposed class

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Lisa Barnes, *on behalf of herself and others similarly situated,*

) Case No: 3:18-cv-06520

Plaintiff,

**STIPULATION AND ~~[PROPOSED]~~
ORDER STAYING CASE**

V.

Wells Fargo Bank, N.A.,

Defendant.

1 Plaintiff Lisa Barnes (“Plaintiff”) and Defendant Wells Fargo Bank, N.A. (“Wells
2 Fargo”), by and through their undersigned counsel, respectfully submit this Stipulation and
3 [Proposed] Order Staying Case.

4 WHEREAS the above-captioned case—*Barnes v. Wells Fargo Bank, N.A.*, 3:18-cv-
5 06520-EDL (N.D. Cal.)—is a putative TCPA class action concerning alleged auto-dialed and
6 prerecorded auto loan collection calls;

7 WHEREAS, Wells Fargo has reached a settlement in an out-of-district putative TCPA
8 class action, *Prather v. Wells Fargo Bank, N.A.*, No. 17-00481 (N.D. Ill.);

9 WHEREAS, Wells Fargo contends that “the settlement in *Prather*, if approved, will moot
10 Plaintiff Lisa Barnes’ claims” (Dkt. 23-1) and contends it will moot the putative class claims
11 asserted in this action;

12 WHEREAS, Wells Fargo filed a motion to stay *Barnes* pending settlement approval
13 proceedings in *Prather*, Dkt. No. 23;

14 WHEREAS, because *Barnes* has not progressed beyond the pleadings stage, Plaintiff
15 agrees to stay *Barnes* pending settlement approval proceedings in *Prather*;

16 WHEREAS, this stipulation is made without prejudice to any party’s rights or arguments,
17 including Plaintiff Barnes’s ability to seek to participate, as an intervenor or otherwise, in
18 proceedings in *Prather*; and

19 WHEREAS, the parties agree, subject to court approval, that all pending deadlines, be
20 vacated pending settlement approval proceedings in *Prather*;

21 WHEREAS, the parties agree to update the Court with the status of the proceedings in
22 *Prather* within 120 days of the Court’s order on this stipulation, and will continue to update the
23 Court every 120 days thereafter;

24 IT IS HEREBY STIPULATED AND AGREED by the parties, through their respective
25 counsel of record, and subject to Court approval, that:

26 The *Barnes* action is stayed pending settlement approval proceedings in *Prather*;

27 All pending deadlines are vacated pending settlement approval proceedings in *Prather*;

28 This stipulation is without prejudice to any party’s rights or arguments, including

1 Plaintiff's ability to seek to participate, as an intervenor or otherwise, in proceedings in *Prather*,
2 and

3 The parties shall update the Court with the status of the proceedings in *Prather* within 120
4 days of the Court's order on this stipulation, and will continue to update the Court every 120 days
5 thereafter.

6 **IT IS SO STIPULATED.**

7
8
9 Dated: January 24, 2019

By: /s/ Daniel M. Hutchinson
Daniel M. Hutchinson

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Dated: January 24, 2019

By: /s/ Rebecca S. Saelao
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ATTESTATION


I, Daniel M. Hutchinson, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Staying Case. I hereby attest that Rebecca S. Saelao has concurred in this filing.

/s/ Daniel M. Hutchinson
Daniel M. Hutchinson

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated January 25, 2019.


The Honorable Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE